

### **REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed January 25, 2006. At the time of the Final Office Action, Claims 1-95 were pending in this Application. Claims 1-5, 6, 7-12, 24, 36, 38, 71, and 83 were rejected. Claims 13-23, 25-35, 37, 39-41, 46, 48-54, 58-60 and 62-70 were previously withdrawn due to an election/restriction requirement. Claims 1 and 36 have been amended. Claims 42-45, 47, 55, 56, 57, 61, 72-82, and 84-95 have been withdrawn by the Examiner due to an additional election/restriction requirement. Applicants respectfully request reconsideration and favorable action in this case.

#### **Election/Restriction**

The Examiner stated that the limitations of Claim 42 and newly added claims 72-82 and 84-95 are not elected in the embodiment of Figure 2 to Figure 3D, therefore Claims 42-45, 47, 55, 56, 57, 61, 72-82, and 84-95 have been withdrawn from consideration. Applicants would like to bring to the Examiner's attention that Claim 6 depends on Claim 1 and not Claim 41. The amendment in the last response shows "claim **41**". Unfortunately the respective delete function in MICROSOFT WORD does not clearly show the strikeout. However, on closer look the strikeout is visible and furthermore, the number "4" was not underlined but printed in bold indicating a change. Therefore, Applicants believe that this claim should not have been withdrawn.

#### **Claims Objections**

Claim 1 was objected to due to informalities. Applicants have amended Claim 1 to overcome this objection.

#### **Rejections under 35 U.S.C. §103**

Claims 1, 2, 4, 5, 7, 10, 12, 14 and 71 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,707,102 issued to Morikawa et al. ("Morikawa et al.") in view of U.S. Patent 5,693,563 issued to Teong ("Teong"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

Claims 3 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Morikawa et al. in view of Teong, and further in view of U.S. Patent 5,654,589 issued to Huang et al. (“Huang et al.”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Morikawa et al. in view of Teong, Huang et al., and further in view of U.S. Patent 6,664,186 issued to Callegari et al. (“Callegari et al.”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 11, 36, 38, and 83 were rejected under 35 U.S.C. §103(a) as being unpatentable over Morikawa et al. in view of Teong, and further in view of U.S. Patent 6,600,182 issued to Rumennik (“Rumennik”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Applicants amended independent claims 1 and 36 to include the limitation of former claim 6 which has been canceled without prejudice. The limitation of claim 6 is shown, for example, in the embodiment of Fig. 2 which is an elected species. None of the references show this limitation. Thus, Applicants believe that claims 1 and 36 are not obvious in view of the cited prior art.

Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
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Limited Recognition Under 37 C.F.R. §11.9(b)

Date: March 23, 2006

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